

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

06 JUN 2005

To:

Collison & Co
GPO Box 2556
ADELAIDE SA 5001

PCT
WRITTEN OPINION
(PCT Rule 66)
30 SEP 04

Date of mailing
(day/month/year) 30 JUL 2004

Applicant's or agent's file reference
54208PCT K1C

REPLY DUE within **TWO MONTHS**
from the above date of mailing

International Application No.
PCT/AU2003/001692

International Filing Date (day/month/year)
19 December 2003

Priority Date (day/month/year)
20 December 2002

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ H04Q 7/20; H04B 7/26; G01S 5/00; G06F 17/60

Applicant

NORMAN, Michael Leslie

1. This written opinion is the first drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
II ☐ Priority
III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV ☐ Lack of unity of invention
V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI ☒ Certain documents cited
VII ☐ Certain defects in the international application
VIII ☐ Certain observations on the international application

3. The FINAL DATE by which the international preliminary examination report must be established according to Rule 69.2 is:
20 April 2005 FINAL DATE 20/3/05

4. The applicant is hereby invited to reply to this opinion.

When? See the Reply Due date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the Final Date by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. If no response is filed by 1 month before the Final Date, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least 3 months before the Final Date by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

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COLLISON & CO.

- 3 AUG 2004

REF.

I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims Nil	YES
	Claims 1-22	NO
Inventive step (IS)	Claims Nil	YES
	Claims 1-22	NO
Industrial applicability (IA)	Claims 1-22	YES
	Claims Nil	NO

2. Citations and explanations

D1 US 6427077
D2 WO 2002/050562
D3 WO 2003/033602
D4 US 6266533
D5 US 6252544
D6 US 6151505
D7 WO 2001/041404
D8 EP 0737952

Novelty (N) Claims 1-22

Citations D1-D6 each disclose features conforming exactly with the features defined by the claims. Further, the explicit teaching of each citation is to employ the element as instantly claimed. Therefore the subject matter of these claims is not new and does not meet the requirements of Article 33(2) PCT with regard to novelty.

Please also see the indication contained in Box VI "Certain documents cited".

Inventive Step (IS)

Claims 1-22:

As above and also citations D7 and D8, each, when combined with any of citations D1-D6, as would be obvious to a person skilled in the art, disclose all of the features of the claims. Therefore the subject matter of these claims is obvious and does not meet the requirements of Article 33(3) PCT with regard inventive step.

Industrial Applicability (IA)

The invention defined in the claims is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.

WRITTEN OPINION

International application No.
PCT/AU2003/001692

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

	Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
P,X	US 2003/0100315	29 May 2003	19 November 2002	24 November 2001

This document discloses all of the features of claims 1-22
See paragraphs 15-18 and fig.3

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)